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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,265	07/21/2003	Gary A. Jensen	1874	3500

7590 08/17/2004

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EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,265

Applicant(s)

JENSEN, GARY A.

Examiner

Aaron M Dunwoody

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/21/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

No priority claimed.

Information Disclosure Statement

The information disclosure statement (IDS) filed 7/21/2003 is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5080403, Paoluccio.

In regards to claim 1, Paoluccio discloses a fitting comprising:

a generally cylindrical collar (10B, 10C) having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle; and

a body (12-15) having an upper portion terminating in a generally circular end inclined at the angle, the collar second end rotatably attached to the body upper portion end.

In regards to claim 2, Paoluccio discloses a skirt (13,14) flaring downwardly from the body upper portion and terminating in a base, the skirt having generally opposed

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first and second flanges terminating, respectively, in canted first and second lips, the base determined circumferentially by the lips and arch-shaped forward and rearward edges disposed between the lips.

In regards to claim 3, Paoluccio discloses a damper (24) being pivotally positioned within the collar.

In regards to claim 4, Paoluccio discloses the forward edge being arched higher than the rearward edge.

In regards to claim 5, Paoluccio discloses the fitting being attached to an arcuate surface of a relatively large cross-section duct section, the collar being rotatable so that it can be canted at any angle with respect to the duct section in a range from about 55 to about 90 degrees.

In regards to claim 6, Paoluccio discloses the collar and body being each formed from sheet metal having a preselected thickness.

In regards to claim 7, Paoluccio discloses the thickness being about 0.050-inch (commonly known and used in the art).

In regards to claim 8, Paoluccio discloses a fitting for attaching an end of a duct section of relatively small cross-section to an arcuate surface of a duct section of relatively large cross-section, comprising:

a generally cylindrical collar having a generally circular first end generally orthogonal to the collar axis, and a generally circular second end oblique to the axis at a predetermined angle;

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a body having an upper portion terminating in a generally circular end inclined at the angle; and

means for rotatably attaching the collar second end to the body upper portion end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paoluccio in view of US patent 171964, Syversen.

In regards to claim 9, Paoluccio discloses the claimed invention except for the attaching means comprising an arc-shaped bead circumscribing the collar second end interlocked with an arc-shaped bead circumscribing the body upper portion end.

Syversen teaches an attaching means (C) comprising an arc-shaped bead circumscribing the collar second end interlocked with an arc-shaped bead circumscribing the body upper portion end "to hold the two pieces of pipe together, while one can turn upon the other" (col. 2, lines 8-11). As Syversen relates to a curved stove pipe elbow made with a joint, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an attaching means comprising an arc-shaped bead circumscribing the collar second end interlocked with an arc-shaped

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bead circumscribing the body upper portion end to hold the two pieces of pipe together, while one can turn upon the other, as taught by Syversen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



**Aaron Dunwoody
Patent Examiner
Technology Center 3670**